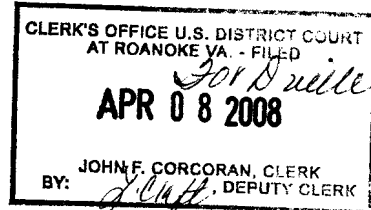


# UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America

v.

KEITH FOSTER

Date of Previous Judgment: May 27, 1999  
(Use Date of Last Amended Judgment if Applicable)

Case No: 4:98cr70075-1

USM No: 12453-050

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 195 months is reduced to 180\*.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>135</u> to <u>168</u> months	Amended Guideline Range: <u>120</u> to <u>135</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

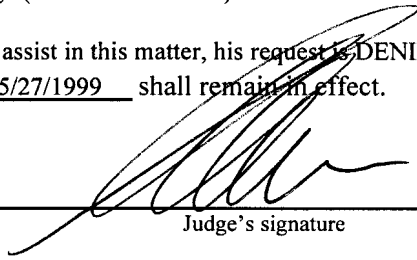
\* Defendant's total term of imprisonment of 180 months consists of 120 months as to count 1 and 60 months as to count 2, to be served consecutively. The court notes that the 120-month term as to count 1 is the statutorily required minimum sentence and, by its mandatory nature, shortened the otherwise applicable guideline range (108 to 135 months) to 120 to 135 months.

Further, to the extent defendant requests the appointment of counsel to assist in this matter, his request is DENIED. Except as provided above, all provisions of the judgment dated 5/27/1999 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 7, 2008

Effective Date: April 17, 2008  
(if different from order date)

  
\_\_\_\_\_  
Judge's signature  
Samuel G. Wilson, United States District Judge  
Printed name and title